

Notice of Allowability

Application No.

09/992,345

Examiner

Michael D. Masinick

Applicant(s)

ELLER ET AL.

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/1/2007.
2. ☒ The allowed claim(s) is/are 51-53, 56, 57, 59-71, 74, 75 and 77-92.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Darryl Tyus on March 8, 2007.

Claims 51 and 69 are replaced with the following:

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51. (currently amended): A method for management of a packaging supply chain, said packaging supply chain including flexible packaging materials and/or labels for fast-moving consumer goods, comprising the steps of:
- (a) entering digital data into a digital computer system, said digital data representing:
 - (i) a packaging design, wherein said packaging design comprises a graphic design to be displayed on a package ~~packaging item~~,
 - (ii) a packaging product design, wherein said packaging product design comprises a said packaging design and the structure of said package ~~packaging item~~, ~~including at least one of the materials used to make said packaging item~~,

- (iii) a packaging item, wherein said packaging item comprises said packaging product design and at least one of a product configuration, a bill of material and a routing; and
 - (iviii) a packaging order which comprises a specified quantity of a—said packaging item for delivery on a specified date to an end user,—~~said packaging item comprising said packaging product design;~~
 - (b) processing said digital data representing said packaging design with said digital computer system to create metadata for item creation, production planning and scheduling; and
 - (c) analyzing said digital data and said metadata with said digital computer system to return a digital output having the information required to fulfill said packaging order.
- 69. (currently amended): A computer system for management of a packaging supply chain, said packaging supply chain including flexible packaging materials and/or labels for fast-moving consumer goods, comprising:
 - (a) a storage means programmed to store digital data, said digital data representing,
 - (i) a packaging design, wherein said packaging design comprises a graphic design to be displayed on a package ~~packaging item,~~
 - (ii) a packaging product design, wherein said packaging product design comprises a said packaging design and the structure of said package ~~packaging item, including at least one of the materials used to make said packaging item,~~
 - (iii) a packaging item, wherein said packaging item comprises said packaging product design and at least one of a product configuration, a bill of material and a routing; and
 - (iviii) a packaging order which comprises a specified quantity of a—said packaging item for delivery on a specified date to an end user,—~~said packaging item comprising said packaging product design;~~

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- (b) processing said digital data representing said packaging design with said digital computer system to create metadata for item creation, production planning and scheduling; and
 - (c) analyzing said digital data and said metadata with said digital computer system to return a digital output having the information required to fulfill said packaging order.
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2. The following is an examiner's statement of reasons for allowance:

3. In a telephone interview (see interview summary of 3/8/2007) it was discussed how the current invention is different than the prior art of record. The primary difference between the prior art (specifically the Sparks patent) resides in the printing style (fast moving printing of consumer goods as now claimed) and in the way that the metadata is used to schedule the production of the consumer goods. This differs from Sparks in that the metadata (as read by the examiner) of Sparks only consists of order details as entered by the customer and does not contain analyzed data regarding the design and the ability of that design to be printed on specific machines. It is these claim elements, in combination with the remaining elements and features of the invention, that the applicant's invention defines over the prior art of record.

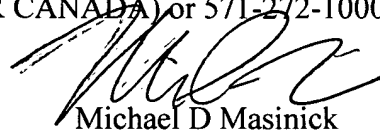
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Masinick whose telephone number is (571) 272-3746. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael D Masinick
Primary Examiner
Art Unit 2125

Michael D. Masinick
Primary Examiner
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MDM, March 13, 2007